

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/14/2020

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BOUSTEAD SECURITIES, LLC.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
LEAPING GROUP CO., LTD. AND ATIF	:
HOLDINGS LIMITED,	:
	:
Defendants.	:
-----X	

20-cv-3749 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 15, 2020, Plaintiff filed its complaint in this action (Dkt. 5);

WHEREAS on July 7, 2020 Defendant Leaping moved to dismiss the complaint for improper service pursuant to Rule 12(b)(5) (Dkt. 21);

WHEREAS on October 22, 2020, the Court issued an opinion holding Defendant's motion in abeyance and indicating that if Plaintiff failed to serve Defendant properly within 60 days of the date of the opinion, the Court would grant Defendant's motion to dismiss (Dkt. 45);

WHEREAS on November 19, 2020, Plaintiff moved for permission to serve Defendant Leaping through alternative means, or in the alternative, for an extension of the deadline to effectuate service through the Hague Convention (Dkt. 54);

WHEREAS on December 3, 2020 Defendant Leaping opposed Plaintiff's motion (Dkt. 60);

IT IS HEREBY ORDERED:

1. Plaintiff's motion is GRANTED in part. Plaintiff has failed to establish adequate and consistent communication between Lewis Brisbois Bisgaard & Smith LLP and Defendant Leaping so as to justify service through Lewis Brisbois. Accordingly,

Plaintiff must continue its efforts to effectuate service through the Hague Convention.

Plaintiff's deadline to serve Defendant Leaping is extended to **December 15, 2021**.

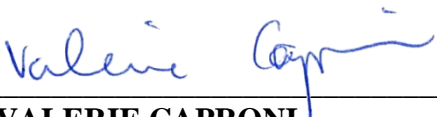
The Court notes that, had Plaintiff initiated the process of effectuating service through the Hague convention when this case was filed, Plaintiff would have avoided significant and unnecessary delay. Defendant's motion to dismiss for improper service is DENIED pending Plaintiff's attempt to effectuate service through the Hague Convention. If Plaintiff is unable to serve Defendant by December 15, 2021, Defendant may renew its motion to dismiss.

2. No later than **January 4, 2021**, Plaintiff must submit a letter: (i) indicating why the case against Defendant ATIF should not proceed in the interim, and (ii) identifying the members of Boustead Securities, LLC and their respective citizenships.

The Clerk of Court is directed to close the open motions at docket entries 21 and 54.

SO ORDERED.

Date: December 14, 2020
New York, NY



VALERIE CAPRONI
United States District Judge